Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

In the Matter of)	
CoxCom, LLC)	MB Docket No. 15-120
,)	CSR-8909-A
Petition for Modification of the Television)	
Market of WMDE, Dover, DE)	
)	

To: Office of the Secretary Attn.: Chief, Media Bureau

SUBMISSION FOR THE RECORD

Western Pacific Broadcast, LLC ("Western Pacific"), licensee of television station WMDE, Dover, Delaware (Facility ID No. 189357) ("WMDE"), by its attorneys, hereby updates the record with important new information that will allow the Commission to render a full and fair decision in the above-captioned proceeding.¹

As the Commission is aware, WMDE is a brand new television station that has only been on the air for just short of a year.² And as is necessarily the case with any new station, there simply is no history of carriage on cable and satellite systems. Instead, a new station must engage in a coordinated process with cable and satellite systems to have the station

¹ See 47 C.F.R. § 76.7(e)(2). As recently confirmed by the Commission, when the outcome of a proceeding could impact a broadcaster's carriage rights – as is the case in this proceeding – it is of paramount importance that the Commission base its decision on a complete and accurate record. See Comcast Cable Petition for Modification of the Television Market of Station WFXU, Channel 48, Live Oak, Florida, 30 FCC Rcd 2048, n.2 (MB 2015).

² WMDE filed its very first FCC license application on October 1, 2014, which was granted on October 9, 2014. *See* FCC File No. BLCDT-20141001CBV.

carried. Western Pacific has done just that, and with great success throughout the entire Washington DC Designated Market Area ("DMA"), as has already been detailed in its June 25, 2015, Opposition.³

Western Pacific now files this Submission for the Record to provide the Commission with updated information on yet another material step in the continuing process of expanding carriage for WMDE on even more systems throughout the Washington DC DMA, including in the communities served by CoxCom. Specifically, as demonstrated in Exhibit A, attached hereto, WMDE is now carried on the Dish Network's direct broadcast satellite system throughout the Washington DC DMA and in each of the cable communities served by CoxCom.⁴

Additionally, Western Pacific has continued to work cooperatively with DirectTV, the other direct broadcast satellite system, to add WMDE's signal to that system as well. Western Pacific can now confirm that all of DirecTV's technical requirements have been satisfied and Western Pacific has been told that DirecTV tentatively anticipates a launch of WMDE on their system in early October, or possibly earlier.

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³ To the extent that CoxCom, LLC ("CoxCom") insists – over and over again – in its July 20, 2015, Reply that the Commission should treat Western Pacific's decision not to take the bait of CoxCom's numerous irrelevant and extraneous allegations as an *admission* by Western Pacific, it must be pointed out that CoxCom's argument relies on section 76.7(b)(2)(v) of the Commission's rules, which only applies in *Complaint* proceedings. 47 C.F.R. § 76.7(b)(2)(v) ("Averments in a *complaint* are deemed to be admitted when not denied in the *answer*."). The instant proceeding is not covered by section 76.7(b)(2)(v) but rather by section 76.7(b)(1), which contains no such presumption. 47 C.F.R. § 76.7(b)(1). Once again, CoxCom attempts to shift its own burden of proof onto Western Pacific.

⁴ See Exhibit A (screenshots of Dish Network Channel Lineup listing WMDE for the Zip Codes served by the Dish Network in Fairfax County).

And so with each passing day, WMDE is received and viewed by more and more cable and satellite subscribers throughout the Washington DC DMA. Yet, nevertheless, CoxCom continues to be a lone holdout in its refusal to carry the station.

Respectfully submitted,

WESTERN PACIFIC BROADCAST, LLC

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Its Attorneys

September 11, 2015

EXHIBIT A Dish Network Channel Line-Ups









































































































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DECLARATION OF JOHN C. TROUTMAN

I, John C. Troutman, declare under penalty of perjury the following:

- I am Vice President of Western Pacific Broadcast, LLC, licensee of WMDE(TV), Dover, Delaware.
- I have read the foregoing Submission for the Record, and to the best of my knowledge, information, and belief formed after reasonable inquiry, it is wellgrounded in fact and is warranted by existing law.

John C. Troutman Vice President

Western Pacific Broadcast, LLC

September 11, 2015

CERTIFICATE OF SERVICE

I, Yvette Graves, hereby certify that on September 14, 2015, copies of the foregoing Submission for the Record were sent via First Class Mail, postage pre-paid (unless otherwise stated), to the following:

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